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March 23, 2018

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *Alloy Property Company, LLC – Application for Adverse Abandonment –
Chicago Terminal Railroad in Chicago, IL* – STB Docket No. AB-1258

Dear Ms. Brown:

The City of Chicago (City) respectfully requests leave to file this letter in response to the March 5, 2018, reply of Burgoyne, LLC (Burgoyne),¹ to the City's request for interim trail use, filed in this proceeding on February 14, 2018.

Any dispute regarding easement rights of CTM over real property owned by Burgoyne, as Burgoyne alleges in its letter, solely involves matters of state real property law. Accordingly, any resolution of such a dispute in state court would be entirely separate from, and would not affect, the federally-granted railroad operating rights that are the subject of this proceeding, and which will remain in place over the corridor until formally abandoned in accordance with this Board's regulations. *Sunflower Rails-Trails Conservancy, Inc. – Petition for Declaratory Order – Sale of Railbanked Right-of-Way*, STB Docket No. FD 36034 (Service Date February 23, 2017), *slip op.* at 6.

¹ The Board's rules at 49 CFR 1104.13 would prohibit a reply to a reply. The City believes this brief response to Burgoyne's comments will create a more complete record for the Board's consideration without prejudice to any party, and accordingly requests that that it be entered into the record of this proceeding. Counsel for Alloy Property Company, LLC (Alloy) and Chicago Terminal Railroad Company (CTM) have authorized the City to represent that Alloy and CTM consent to this filing and that they agree that the City is an appropriate trail sponsor and that the Board should issue a Certificate of Interim Trail Use for the portions of the Line subject to the City's request for interim trail use (and an order of abandonment for the remainder of the Line).

Ms. Cynthia T. Brown

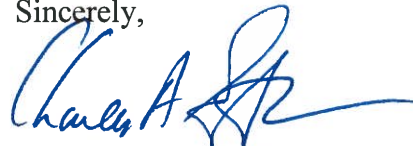
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As described in the City's prior pleadings in this matter, the City is undertaking a comprehensive economic development effort on Goose Island, just north of the Chicago Loop, to provide business development, land use improvements, public space and public transportation opportunities in the area that includes the subject line of railroad. The City is therefore the appropriate party to serve as trail sponsor for the corridor, and has submitted the requisite materials to support its interim trail use request. Having completed the steps necessary to establish railbanking, the City urges this Board to issue a Certificate of Interim Trail Use (CITU) in this proceeding as soon as possible.

I certify that a copy of this filing has been served by electronic or U.S. Mail on all parties of record in this proceeding. Please do not hesitate to contact me with any questions.

Sincerely,



Charles A. Spitulnik
Counsel to the City of Chicago

Enclosures

cc: Thomas J. Litwiler
John D. Heffner
Hanna M. Chouest
Matthew J. Warren
Hon. Mike Quigley
Hon. Walter Burnett, Jr.
Hon. Brian K. Hopkins
Zachary Cupkovic
David Michaud